

CHAPTER 20.42

SPECIFIC PLAN DISTRICT #5 MARINER'S MILE

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20.42.010 Establishment of Specific Plan District (Mariner's Mile)

The provisions of this chapter shall apply to all parcels within the boundaries of Specific Plan District #5, Mariner's Mile, established by Ordinance 1718 and shown on Districting Map No. 4.

20.42.020 Purpose

This chapter establishes a specific plan district to guide the orderly development and improvement of that area of the City of Newport Beach which is located east of Newport Boulevard, west of the county owned property used as a Sea Scout Base, north of Lower Newport Bay, and generally south of the base of the bluffs northerly of Coast Highway. It is the purpose of this chapter to implement the goals and policies of the Newport Beach General Plan and the Local Coastal Program, Land Use Plan and establish consistency between these documents and the Zoning Ordinance in the Mariner's Mile area. Specifically, these planning documents contain provisions which indicate the desire on the part of the City to encourage marine service businesses, visitor-serving facilities, local service retail, encourage a pedestrian orientation of the area, provide public physical and visual access to the bay, preserve and enhance the character of scenic highways and drives and city view parks in the area, and provide safe and convenient vehicular circulation and access to businesses.

The development standards contained in this Specific plan are intended to implement these objectives by providing a system whereby certain land uses are encouraged through an incentive system, and competing objectives can be balanced based upon the overall goals of the community. Therefore, specific land use, intensity and design criteria are set forth in the review framework of the development plan review, use permit and variance processes, where the Planning Director and Planning Commission will exercise their discretion on a

project-by-project basis to result in development which provides for the overall community needs as set forth herein.

The permitted land uses and accompanying design guidelines and development standards provide for the orderly and equitable development of property within the Mariner's Mile area. Areas on the bayward side of Coast Highway are designated "Recreational and Marine Commercial." This designation encourages a continuation of marine-oriented and visitor-serving uses, maintains the marine theme and character of the area, and encourages public physical and visual access to the bay. The marine-oriented and coastal-dependent uses on the bayfront are encouraged by establishing a system of incentives to property owners to maintain these uses. The area inland of Coast Highway is designated for "Retail and Service Commercial" use. This area is intended to serve as an active pedestrian-oriented retail area with a wide range of visitor-serving, neighborhood commercial and marine-related uses permitted.

The City Council has adopted a document entitled "Mariner's Mile Strategic Vision and Design Framework (Design Framework)" which provides several recommendations for sound planning and urban design. These policy recommendations include new entry features, the development of an urban village between Riverside and Tustin Avenues, improving waterfront access, cohesive landscape treatments along major streets, consideration of renaming Riverside and Tustin Avenue and general land use compatibility. This design framework shall be used as a guide for the community, property owners, city staff and policy makers in the development and consideration of activities within the Mariner's Mile area. The Design Framework is not intended to establish absolute standards, but existing and proposed development and activities within Mariner's Mile area should adhere to the recommendations of the Design Framework to the maximum extent feasible.

The area identified in the Mariner's Mile Design Framework as the "Mariner's Village" around the intersection of Pacific Coast Highway and Riverside and Tustin Avenues, is the core of Mariner's Mile. The City's long-term goal for this area is to reinforce its potential to become the heart of Mariner's Mile as an active pedestrian-oriented retail district. In order to realize this potential, the appearance, liveliness and sense of place should be enhanced by promoting improvements to private development and the public realm, and generally encouraging a stronger pedestrian orientation by the following means:

- A. By developing a vocabulary of elements such as streetscape, street furnishings, and sidewalks.
- B. By encouraging lot swap/consolidations, to facilitate development such as a new cohesively developed retail center with an anchor tenant.
- C. By actively soliciting local-serving tenants such as a market, cafes, drug store, and specialty retail.
- D. By implementing a parking strategy, such as the establishment of a Mariner's Mile Parking District and the encouragement of more common parking lots.

- E. By finding a new location for United States Postal Service Distribution Center so that the site can have a less truck-oriented use while retaining the retail portion of the post office in Mariner's Village.

20.42.030 Applicability

The provisions of this chapter shall apply to all property in the Mariner's Mile Specific Plan District.

- A. Construction of Buildings Regulated. No building, structure or sign shall be erected, reconstructed or structurally altered in any manner nor shall any building or land be used for any purpose, other than as permitted by, and in conformance with this Plan and all other ordinances, laws, policies and maps referred to therein. Where other sections of the Municipal Code conflict with any provision of this Plan, the provisions of this Specific Plan shall take precedence.
- B. Architecture and Site Planning Objectives. Responsible urban design is a primary goal of the Mariner's Mile Specific Plan Area. Designs should respect their surroundings. The architecture and site plans of all Development Plans shall be found compatible with well designed surrounding properties. Site planning should accommodate the larger design concepts of the Mariner's Mile Design Framework (Urban Design, Landscape). Buildings should orient to the street in the Village areas and when surrounded by parking. Roofs and roof elements should respect views from above and in an aesthetically pleasing manner. Roof top mechanical equipment shall be concealed in a coordinated fashion or be located within the building or structure. Overall site planning shall also promote pedestrian connections and pedestrian amenities within the village area, and provide public access to the water along the bay. Building and structures should adhere to the Color and Materials Palette identified in the Mariner's Mile Design Framework.

20.42.040 Land Use Regulations

- A. Land Use Designations. The following land use designations are established:
 - 1. Retail and Service Commercial, SP-5 (RSC) District. This designation encourages the continuation of "marine-oriented" uses and the "marine" theme or character of the area; encourages mutually supportive businesses, a continuity of shopping and pedestrian orientation, and prohibits uses, which would interrupt this continuity; and minimizes the number of curb cuts on Coast Highway.
 - 2. Recreational and Marine Commercial, SP-5 (RMC) District. This designation establishes a priority system to guide development on sites on

the bay by encouraging a continuation of marine-oriented and visitor-serving uses, maintaining the marine theme and character of the area, and encourages public physical and visual access to the bay.

The designations, locations, and boundaries of these uses are delineated upon the map entitled "Mariner's Mile - Specific Plan District, City of Newport Beach," which plan map and all information and notations thereon are hereby made a part of this section by reference.

- B. The following schedule establishes the land uses defined in Chapter 20.05 as permitted or conditionally permitted in the Mariner's Mile Specific Plan District, and includes special requirements, if any, applicable to specific uses. The letter "P" designates use classifications permitted in the Mariner's Mile Specific Plan District. The letter "L" designates use classifications subject to certain limitations prescribed under the "Additional Use Regulations" which follows. The letters "UP" designate use classifications permitted on approval of a use permit, as provided in Chapter 20.91. The letters "PD/U" designate use classifications permitted on approval of a use permit issued by the Planning Director, as provided in Chapter 20.91. The letters "P/UP" designate use classifications which are permitted when located on the site of another permitted use, but which require a use permit when located on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

Mariner's Mile Specific Plan District: Land Use Regulations

P = Permitted
UP = Use Permit
PD/U = Use permit issued by the Planning Director
L = Limited (see Additional Use Regulations)
--- = Not Permitted

| | RSC | RMC | Additional Regulations |
|--------------------------------------|-----|-----|---------------------------|
| <i>PUBLIC AND SEMI-PUBLIC</i> | | | (A), (B), (C), (D) |
| CLUBS AND LODGES | UP | --- | |
| -YACHT CLUBS | --- | UP | (I), (J), (M) |
| CULTURAL INSTITUTIONS | UP | L-2 | (M) |
| DAY CARE, GENERAL | UP | --- | |
| GOVERNMENT OFFICES | UP | --- | |
| MARINAS | --- | P | (I), (J) |
| RELIGIOUS ASSEMBLY | UP | --- | |
| UTILITIES, MINOR | P | P | |

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| | RSC | RMC | Additional Regulations |
|---|------|------|------------------------|
| COMMERCIAL USES | | | (A), (B), (C), (D) |
| ANIMAL SALES AND SERVICES | | | |
| -ANIMAL GROOMING | PD/U | --- | |
| -ANIMAL HOSPITALS | UP | --- | |
| -ANIMAL RETAIL SALES | PD/U | L-5 | |
| ARTISTS' STUDIOS | P | L-4 | (H) |
| BANKS/SAVINGS AND LOANS | P | --- | |
| -WITH DRIVE-UP/DRIVE THROUGH SERVICE | UP | --- | |
| CATERING SERVICES | P | P | |
| COMMERCIAL RECREATION AND ENTERTAINMENT | UP | UP | (H), (M) |
| EATING AND DRINKING ESTABLISHMENTS | UP | UP | |
| -FULL SERVICE, HIGH TURNOVER | UP | UP | (E), (H), (M) |
| -FULL SERVICE, LOW TURNOVER | UP | UP | (E), (H), (M) |
| -FULL SERVICE, SMALL SCALE | PD/U | PD/U | (E), (H), (M) |
| -TAKE-OUT SERVICE | UP | UP | (E), (H), (M) |
| -TAKE-OUT SERVICE, LIMITED | PD/U | PD/U | (E), (H), (M) |
| -ACCESSORY | P | P | (E), (H), (M) |
| -BARS AND COCKTAIL LOUNGES | UP | UP | (E), (H), (M) |
| MARINE SALES AND SERVICES | | | (I), (J) |
| -BOAT RENTAL AND SALES | P | P | (I), (J) |
| -BOAT STORAGE | --- | P | (I), (J) |
| -BOAT YARDS | P | P | (I), (J) |
| -ENTERTAINMENT AND EXCURSION SERVICES | L-8 | L-8 | (I), (J) |
| -MARINE SERVICE STATION | PD/U | PD/U | (I), (J) |
| -RETAIL MARINE SALES | P | P | (I), (J) |
| OFFICES, BUSINESS AND PROFESSIONAL | P | L-1 | |
| PERSONAL IMPROVEMENT SERVICES | PD/U | L-2 | (H) |
| PERSONAL SERVICES | P | L-4 | |
| -DRY CLEANERS | UP | L-4 | |
| -DRY CLEANERS (COLLECTION ONLY) | UP | L-4 | |
| -MASSAGE ESTABLISHMENTS | UP | L-2 | (F) |
| -SELF SERVICE LAUNDRIES | UP | L-4 | |

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| | RSC | RMC | Additional Regulations |
|--------------------------------------|------------|------------|-----------------------------------|
| RETAIL SALES | P | P | |
| TRAVEL SERVICES | P | L-1 | |
| VEHICLE/EQUIPMENT SALES AND SERVICES | | | |
| -VEHICLE/EQUIPMENT SALES AND RENTALS | UP | --- | |
| -COMMERCIAL PARKING FACILITY | PD/U | PD/U | |
| -SERVICE STATIONS | UP | --- | (G), (M) |
| -VEHICLE/EQUIPMENT REPAIR | L-6 | --- | |
| VISITOR ACCOMMODATIONS | | | |
| -BED AND BREAKFAST INNS | PD/U | PD/U | |
| -HOTELS, MOTELS AND TIME-SHARES | UP | UP | (K) |
| INDUSTRIAL | | | (A), (B), (C), (D) |
| INDUSTRY, CUSTOM | --- | L-4 | |
| INDUSTRY, LIMITED | --- | L-4 | |
| INDUSTRY, MARINE-RELATED | UP | UP | |
| ACCESSORY USES | | | (A), (B), (C), (D) |
| ACCESSORY STRUCTURES AND USES | P/UP | P/UP | |
| TEMPORARY USES | | | (A), (B), (C), (D) |
| CHRISTMAS TREE/PUMPKIN SALES | L-7 | L-7 | (B) |
| OUTDOOR STORAGE & DISPLAY, TEMPORARY | P | P | (D) |
| REAL ESTATE OFFICES, TEMPORARY | L-7 | L-7 | (B) |

Mariner's Mile Specific Plan District: Additional Land Use Regulations

L-1 Marine-related facilities permitted as an incentive use; other facilities in this use classification permitted when in conjunction with an incentive use under the provisions of Section 20.60.080: Marine Incentive Uses.

- L-2 Marine-related facilities permitted with a use permit as an incentive use; other facilities in this use classification permitted with a use permit when in conjunction with an incentive use under the provisions of Section 20.60.080: Marine Incentive Uses.
 - L-3 Permitted when in conjunction with an incentive use under the provisions of Section 20.60.080: Marine Incentive Uses.
 - L-4 Permitted with a use permit when in conjunction with an incentive use under the provisions of Section 20.60.080: Marine Incentive Uses.
 - L-5 Permitted with a use permit issued by the Planning Director when in conjunction with an incentive use under the provisions of Section 20.60.080: Marine Incentive Uses.
 - L-6 Permitted when ancillary to an existing Vehicle/Equipment Sales and Service use within the specific plan area.
 - L-7 Subject to the approval of the Planning Director.
 - L-8 Permitted, provided operations have first secured a marine activities permit issued by the Harbor Resources Director (see Chapter 17.10 of the Municipal Code).
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- (A) See Section 20.60.025: Relocatable Buildings.
 - (B) See Section 20.60.015: Temporary Structures and Uses.
 - (C) See Section 20.60.050: Outdoor Lighting.
 - (D) See Section 20.60.105: Outdoor Storage & Display.
 - (E) See Chapter 20.82: Eating and Drinking Establishments.
 - (F) See Chapter 20.87: Massage Establishments.
 - (G) See Chapter 20.80: Automobile Service Stations.
 - (H) See Section 20.60.085: Uses Requiring City Manager Approval.
 - (I) See Section 20.60.070: Waterfront Development Regulations.
 - (J) See Section 20.60.080: Marine Incentive Uses.
 - (K) See Chapter 20.84: Time Share Developments.

(L) Special event permit required, see Chapter 5.10 of the Municipal Code.

(M) See Chapter 20.89: Alcoholic Beverage Outlets.

20.42.050 Property Development Regulations

The following schedule prescribes development regulations for the Mariner's Mile Specific Plan District. The columns prescribe basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in this code.

Mariner's Mile Specific Plan District: Property Development Regulations

| | RSC | RMC | Additional Regulations |
|--|------------|------------|-------------------------------|
| Minimum Lot Area (sq. ft.) | 10,000 | 10,000 | (A) |
| Minimum Lot Width (ft.) | 50 | 50 | (A) |
| Minimum Yards: | | | |
| Front (ft.) | 5;10 (+12) | 5;10 | (B), (C), (D), (E), (F) |
| Side (ft.) | --- | --- | (B), (D), (F) |
| -Abutting a residential district (ft.) | 5 | --- | B), (D), (F) |
| Rear | --- | --- | (B), (D), (F) |
| -Abutting a residential district (ft.) | 5 | --- | (B), (D), (E), (F) |
| Public Access to Newport Bay | | | (D) |
| Bulkheads | 10 | 10 | (G) |
| Maximum Height (ft.) | 26 | 26 | (H), (I), (J) |
| Floor Elevation | | | (K) |
| Maximum Floor Area Limit | 0.50 | 0.50 | (L) |
| Landscaping | | | (M) |
| Off-Street Parking and Loading | | | (N) |
| Non-Conforming Structures and Uses | | | (O) |
| Dedication of right-of-way | | | (P) |
| Signs | | | (Q) |
| Fences and Walls | | | (R) |
| Utilities & Ground Mounted Equipment | | | (S) |
| Vehicular Access & Lot Consolidation | | | (T) |

Mariner's Mile Specific Plan District: Property Development Regulations

| | RSC | RMC | Additional Regulations |
|----------|------------|------------|-------------------------------|
| Lighting | | | (U) |

Mariner's Mile Specific Plan District: Additional Property Development Regulations

- (A) See Chapter 19.68 in Title 19: Merger of Contiguous Lots.
- (B) See Section 20.60.030: Extensions Into Yards.
- (C) SP-5 (RMC) District. A minimum of 50 percent of any lot frontage abutting Coast Highway shall provide a building setback of not less than 10 feet from Coast Highway right-of-way while the remaining 50 percent of the lot frontage shall provide a setback not less than 5 feet from the right-of-way line of Coast Highway.

SP-5 (RSC) District. A 12 foot wide setback along the northerly side of Coast Highway shall be maintained for potential future highway widening to an ultimate width of 112 feet. A minimum of 50 percent of any lot frontage abutting Coast Highway shall provide a building setback of not less than 10 feet from the above 12 foot setback line while the remaining 50 percent of the lot frontage shall provide a setback not less than 5 feet from the above 12 foot setback.
- (D) SP-5 (RMC) District. In approving a development plan or granting a use permit for development on a site with frontage along the bay, the Planning Director or Planning Commission shall require the dedication of vertical (between Coast Highway and the Bay) and lateral (along the Bay) public access easements, except where adequate public access already exists or where the provision of access is inconsistent with public safety or the protection of fragile coastal resources. The following standards shall be applied to all lateral and vertical public access easements:
 - 1. Public access easements shall be a minimum of 10 feet in width.
 - 2. Public access easements may be provided within required setback areas and view corridors.
 - 3. All dedicated public access easements shall be recorded with the Orange County Records Office in a manner satisfactory to the Public Works Department.
- (E) No structure or other intrusions shall be permitted except for landscaping, decks, paving, architectural features and signs.
- (F) The Planning Commission or Planning Director may establish setbacks in granting a use permit or development plan review approval.

- (G) SP-5 (RMC) District. Bulkhead setback shall provide for the minimum public access required herein along the bulkhead. Additional building setbacks may be required by the Planning Commission in granting a use permit or site plan review approval.

All bulkheads shall be constructed to an elevation of 9 feet above mean low water level (8.67 NAVD 88).

- (H) See Chapter 20.65: Height Limits.

- (I) The height limit for all buildings and other structures on a site shall be 26 feet. However, this height limit may be exceeded, up to a maximum of 35 feet with a use permit, providing that the Planning Commission, in granting such a use permit, finds that all of the following criteria are met:

1. SP-5 (RMC) District.

- a. The development will provide for both public physical and visual access to the bay within the limits that public safety is insured and private property protected.
- b. The increased building height would result in increased public visual open space and views than would result from compliance with the basic height limit. Particular attention shall be given to the location and orientation of the structure on the lot, the percentage of ground coverage, and the treatment of all setback and open areas.
- c. The increased building height would result in a more desirable architectural treatment of the building and a stronger and more appealing visual character of the area within the general theme of a marine environment.
- d. The increased building height would not result in undesirable or abrupt scale relationships being created between the structure and existing developments or public spaces. Particular attention shall be given to the total bulk of the structure including both horizontal and vertical dimensions.
- e. The increase in height shall in no case result in a floor area exceeding the floor area permitted by Chapter 20.63 and this chapter.

2. SP-5 (RSC) District.

- a. The increased building height would result in more public visual open space and views than would result from compliance with the basic height limit. Particular attention shall be given to the location and orientation of the structure on the lot, the percentage of ground coverage, and on the treatment of all setback and open areas.
 - b. The increased building height would result in a more desirable architectural treatment of the building and a stronger and more appealing visual character of the area, within a general theme of the marine environment.
 - c. The increased building height would not result in undesirable or abrupt scale relationships being created between the structure and existing developments or public spaces. Particular attention shall be given to the total bulk of the structure including both horizontal and vertical dimensions.
 - d. The increased height shall in no case result in a floor area exceeding the floor area permitted by Chapter 20.63 and this chapter.
- (J) For the purpose of measuring height, the grade shall be natural grade, or 9 feet above mean low water level (8.67 NAVD 88), whichever is higher.
- (K) SP-5 (RMC) District. Finished floor elevation for all new structures or addition to an existing structure(s) other than floor area used for parking, shall be 9 feet above mean low water level (8.67 NAVD 88).
- (L) The total gross floor area and building bulk limits specified in Chapter 20.63 shall apply to all structures. For purposes of this Chapter, the 12 foot setback required for potential future highway widening shall be included in the calculation of buildable area for purposes of determining gross floor area and building bulk limits. The setback shall be included in gross floor area and building bulk calculations even if some or all of the setback, or any interest therein, has been dedicated to the City. Use permits to exceed the base floor area ratio limits of Chapter 20.63 may be approved pursuant to Section 20.63.040 (C).
- (M) Landscape areas shall be provided as follows:
- 1. West Coast Highway, Tustin & Riverside Avenue – a minimum 4-foot wide planting area (excluding any planter curbs) measured from the back of sidewalk to parking lot or building shall be provided on each property that fronts Coast Highway, Tustin Avenue and Riverside Avenue. This continuous planter area shall be required across the entire frontage of the property except where either buildings at back of walk or driveways are existing and are to remain and shall contain a continuous hedge and palm trees. The hedge shall consist of either the

Ligustrum j. "Texanum" (Texas Privet) planted a minimum of 30 inches on center, the *Buxus microphylla japonica* (Japanese Boxwood) planted a minimum of 18 inches on center or the *Carissa macrocarpa* 'Tuttle' planted a minimum 24 inches on center and are to be a minimum of 30 inches in height. Palm trees shall be *Washingtonia robusta* (Mexican Fan Palm) with a minimum of 8 foot trunk height and subdrainage system. The minimum number of palm trees shall be calculated by dividing the total street frontage by 30 feet. The number of palms resulting from this calculation are required; however a minimum of two palms are required per lot. Palm spacing can be modified slightly or palms can be clustered in groups of three (3) minimum as long as the number of palms installed is equal to the minimum standard.

2. Uncovered parking spaces on-grade shall have interior landscaping in the form of one (1) tree per every 4 parking spaces. Palm trees should be used for properties located adjacent to the Bay and shade trees should be used for inland properties.
3. A minimum of 50 percent of the area of the required setback from Coast Highway shall be devoted to landscape areas.
4. The plant selections should be consistent with the adopted Mariner's Mile Design Framework.
5. Landscaping of bluff areas, property line walls and medians should be consistent with the recommendations contained within the Mariner's Mile Design Framework.
6. All planting areas shall be provided with a permanent underground automatic sprinkler irrigation system of a design suitable for the type and arrangement of the plant materials selected.
7. All planting areas shall have a minimum inside dimension of 4 feet and parking lot planters shall be a minimum of 25 square feet excluding protective curb.
8. All areas in a parking lot not used for driveways, maneuvering areas, parking stalls and walks, shall be permanently landscaped.
9. All plant materials shall conform to or exceed the plant quality standards of the latest edition of American Standard for Nursery Stock published by the American Association of Nurserymen, or the equivalent.
10. Planting areas adjacent to vehicular activity shall be protected by a continuous concrete curb or similar permanent barrier.
11. Landscaping shall be located so as not to impede vehicular sight distance to the satisfaction of the Traffic Engineer.

12. All landscape materials and irrigation systems shall be maintained in accordance with the approved landscape and irrigation plans. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance. The property owner shall execute and record a restrictive covenant and agreement which grants assurance to the City that the landscaping and irrigation system is properly maintained in accordance with the approved plans.
 13. Landscape planting and irrigation plans and specifications shall be submitted by the applicant and approved by the Planning Director prior to the issuance of a building permit.
- (N) Off-street parking spaces shall be provided as set forth in Chapter 20.66: Off-Street Parking and Loading; however, off-street parking for all floor area/building bulk of any structure subject to the front setback requirements specified in this section that exceeds 0.5 times the buildable area of the site exclusive of all setbacks may be waived by the Planning Commission, or City council on appeal, upon a finding there will be no adverse impact on parking in the area and the provision of the additional parking on site would create a hardship.
- (O) Notwithstanding the provisions of Chapter 20.62, minor additions to a nonconforming residential structure or use may be allowed, provided that such addition will not impact upon any public view through or over the site, and provided further that such addition will not extend beyond any existing balcony nor result in a greater number of dwelling units within the project.
- (P) SP-5 (RSC) District. No dedication of right-of-way along the north side of Coast Highway shall be required pursuant to Chapter 13.05 (*Street Improvements and Dedications*) or Title 19 (*Subdivision Code*) of the Municipal Code, or as a condition to any parcel map or use permit for any project that strictly complies with the highway setback requirements unless all of the following conditions have been satisfied:
1. The proposed project contributes to the need to widen Pacific Coast Highway to Master Plan standards; and
 2. The project would generate more than 300 average daily trips; and
 3. The proposed project exceeds 25,000 square feet of additional gross floor area (assumes a base FAR use - minimum and maximum FAR uses shall be adjusted accordingly). No additional dedication shall be required for any parcel which, as of the December 22, 1993, has dedicated all or a portion of the setback, or any interest therein, to the City for road widening purposes.

Nothing in this subsection shall affect the duty of a property owner to dedicate land and/or construct circulation system improvements pursuant to the provisions of the Traffic Phasing Ordinance (Chapter 15.40 of the Municipal Code), or to pay fees required by the Fair Share Traffic Contribution Ordinance (Chapter 15.38 of the Municipal Code).

(Q) See Chapter 20.67: Signs.

(R) Walls and Fences. Upgrading the quality and developing a family of walls and fences is recommended for Mariner's Mile to provide a consistent and high-quality image. Walls and fences located within required yards shall be consistent with the requirements of Section 20.60.030, Extensions into Yards. In all cases, walls and fencing shall not create a sight distance problem as determined by the City Traffic Engineer.

1. Fences Allowed.

- a. Coast Highway frontage: Wrought iron or PVC fencing not exceeding 6 feet in height. Recommended colors: Dark Navy Blue, Black, Dark Green. Refer to the Design Framework, Section 5.60 Walls and Fences for recommended fence design.
- b. Side and rear yards and lot-line conditions: Wrought Iron or PVC fencing or Vinyl-coated chain link (with or without attached fabric screening) not exceeding 6 feet in height. Recommended colors: Dark Navy Blue, Black, Dark Green.

2. Fences not permitted.

- a. Chain-link fencing is not permitted along the street frontage of any property within Mariner's Mile.
- b. Razor-Wire fencing.
- c. Fences not allowed under Subsection 1, Fences Allowed.

3. Walls Allowed.

- a. Pacific Coast Highway frontage: Low walls not to exceed 3 feet in height. This wall may be extended to a maximum height of 6 feet provided that the area above 3 feet is constructed of wrought iron or PVC fencing.
- b. Side and rear yards and lot-line conditions: Low walls not to exceed 3 feet in height. This wall may be extended to a maximum height of 6 feet provided that the area above 3 feet is constructed of wrought iron, PVC fencing or vinyl-coated chain link (with or without fabric screen).

- c. Solid walls up to 8 feet in height provided that they are setback 15 feet from street property lines.
- 4. Retaining walls shall incorporate split-face block or poured-in-place concrete with a sandblasted, bush-hammered or textured form-liner finish. Crib-wall systems with integrated, landscaping are also permitted.
- 5. Walls not permitted.
 - a. Solid walls over 3 feet in height are not permitted along the Coast Highway frontage of any property on Mariner's Mile or within the required front yard setback of any property.
 - b. Walls topped with barbed wire, razor-wire fencing, sheet metal or broken glass.
 - c. Sheet metal enclosures (except at trash areas at rear of properties).
 - d. Walls not allowed under Subsections 3, Walls Allowed and Subsection 4, Retaining walls.

(S) Utilities and Ground Mounted Equipment

New utility connections shall be placed underground unless the Public Works Department determines that undergrounding the connection is physically infeasible. Appurtenant and associated utility equipment such as transformers, utility vaults, terminal boxes, meter cabinets shall be placed underground unless the Public Works Department determines that undergrounding the appurtenant and associated equipment is physically infeasible. If appurtenant and associated utility equipment cannot be placed underground, the equipment shall be located in the least visible location practical and screened from public view on-site and off-site by fencing or landscaping to the satisfaction of the Planning Director. All ground-mounted equipment including, but not limited to backflow preventers, vents, air handlers, generators, boilers, trash bins, transformers shall be screened from view behind and fully below the top of a screen wall or a solid hedge. Screen walls shall be of same or similar material as adjacent building walls and covered with vines when possible. Chain link fencing with slats is not permitted.

(T) Vehicular Access & Lot Consolidation

New vehicular access driveways on Coast Highway should be avoided or minimized in order to minimize potentially hazardous turning movements on and off Coast Highway. Developments are strongly encouraged to consolidate lots and provide shared access with adjacent properties whenever possible.

(U) Lighting

Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. "Walpak" type fixtures are not permitted. Parking lot lighting shall have zero cut-off fixtures and "shoebox" lights are preferred. The use of low level lighting to illuminate walkways, landscape accent lighting and building accent lighting is encouraged. Light standards shall not exceed 20 feet measured from natural grade.

20.42.060 Development Plan Review Required

- A. General. The City Council finds, determines and declares that the preservation and enhancement of the Mariner's Mile area through the consistent application of sound urban design principles and the promotion of thoughtful and tasteful design while allowing creative flexibility as described in the Design Framework is desirable. Therefore, new or substantially altered development shall be reviewed for consistency with adopted design policies contained within the Mariner's Mile Design Framework in order implement the goals and objective of the Design Framework and Specific Area Plan and preserve and promote the health, safety, and general welfare of the community by achieving the following purposes.
1. To assure that development of properties in Specific plan areas will not preclude attainment of the General Plan and Specific plan objectives and policies.
 2. To protect and preserve the value of properties and to encourage high quality development thereof in Mariner's Mile where adverse effects could result from inadequate and poorly planned landscaping and from failure to preserve where feasible natural landscape features, open spaces, and the like, and will result in the impairment of the benefits of occupancy and use of existing properties in such area.
 3. To ensure that the public benefits derived from expenditures of public funds for improvement and beautification of streets and public facilities within Specific plan area shall be protected by the exercise of reasonable controls over the layout and site location characteristics of private buildings, structures and open spaces.
 4. To promote the maintenance of superior site location characteristics adjoining Coast Highway, a thoroughfare of city wide importance; to ensure that the community benefits from the natural terrain, harbor and ocean; and to preserve and stabilize the grounds adjoining said thoroughfare, and to preserve and protect the property values in said areas.

- B. Application. Development Plan review and approval shall be obtained from the Planning Director prior to the issuance of a building permit for any exterior work for any new building to be constructed, or existing building to be reconstructed or remodeled to increase the gross floor area by 25 percent or 2,500 square feet whichever is less, sign approval or initiation of landscaping rehabilitation. An Application for a Development Plan shall be filed in a manner consistent with the requirements contained in Chapter 20.90: Application Filing and Fees.
- C. Review. The Planning Director or his/her authorized representative shall review any plans, applications or other information for consistency with the adopted Mariner's Mile Design Framework and other applicable ordinances and policies. The Planning Director shall approve a Development Plan only if the project is found to be consistent with the Design Framework and applicable ordinances and policies. The Planning Director shall have the discretion to refer any Development Plan to the Planning Commission for consideration and decision.

20.42.065 Notice and Public Hearing

- A. Public Hearings. The Planning Director or Planning Commission shall hold a public hearing on an application for a Development Plan. A public hearing is not required on applications for minor changes to existing signs including replacing a sign panel or applications that solely propose landscape rehabilitation.
- B. Time of Hearing. Upon the receipt, in proper form, of any application filed pursuant to this chapter, a time and place for a public hearing shall be fixed, to be held not less than 10 days nor more than 60 days thereafter.
- C. Required Notice.
 - 1. Mailed or Delivered Notice. At least 10 days prior to the hearing, notice shall be mailed to the applicant and all owners of property within 300 feet, excluding intervening rights-of-way and waterways, of the boundaries of the site, as shown on the last equalized assessment roll or, alternatively, from such other records as contain more recent addresses. It shall be the responsibility of the applicant to obtain and provide to the City the names and addresses of owners as required by this section.
 - 2. Posted Notice. Notice shall be posted in not less than 2 conspicuous places on or close to the property at least 10 days prior to the hearing.
- D. Contents of Notice. The notice of public hearing shall contain:
 - 1. A description of the location of the project site and the purpose of the application;

2. A statement of the time, place, and purpose of the public hearing;
3. A reference to application materials on file for detailed information;
4. A statement that any interested person or authorized agent may appear and be heard.

E. Continuance. Upon the date set for a public hearing before the Planning Director or Planning Commission, the Director or Commission may continue the hearing to another date without giving further notice thereof if the date of the continued hearing is announced in open meeting.

20.42.070 Rights of Appeal

Appeals of decisions of the Planning Director or Planning Commission regarding the implementation of this Chapter shall be governed by Chapter 20.95: Appeals.

